

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: DECEMBER 5, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ABEYANCE - SUP-23864 - APPLICANT/OWNER: REBECCA & DEAN MALLET**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE NOVEMBER 7, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.***

**\*\* CONDITIONS \*\***

The Planning Commission (6-0 vote) and staff recommend DENIAL.

**Planning and Development**

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Child Care – Group Home (7-12 Children) use.
2. A Waiver from Title 19.04 is hereby approved, to allow access to a Child Care – Group Home (7-12 Children) facility from a street with a width greater than 60 feet.
3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

Request for a Special Use Permit for a Child Care - Group Home (7-12 Children) and a waiver to allow a child care facility on a street greater than 60 feet in width, at 5704 Alta Drive. The applicant states she currently has child care for six children in the home. A business license for Family Child Care Home (6 or less) is current and was originally issued on October 23, 2003, at this location.

Access to a Child Care - Group Home (7-12 Children) is required by means of a right-of-way with a width of 60 feet or less. The location of the proposed Child Care – Group Home is on Alta Drive, which is 80 foot wide and classified as a secondary collector street. Staff is unable to support a Child Care – Group Home (7-12 Children) facility on street with a width of more than 60 feet.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
09/27/07	The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #40/lhm).
<b><i>Related Building Permits/Business Licenses</i></b>	
09/29/06	Family Child Care Home (6 or less) (Original issue date: 10/29/2003)
<b><i>Pre-Application Meeting</i></b>	
07/25/2007	Discussed requirements for a Child Care Group Home as per Title 19.04 and documents needed for submittal.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not needed nor was one held	
<b><i>Field Check</i></b>	
8/23/07	Home located on Alta Drive, an 80 foot wide secondary collector. Busy street.
<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	0.15

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
North	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
South	Alta Drive / Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
East	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
West	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)

<i><b>Special Districts/Zones</b></i>	<i><b>Yes</b></i>	<i><b>No</b></i>	<i><b>Compliance</b></i>
<b>Special Area Plan</b>		X	
<i><b>Special Districts/Zones</b></i>	<i><b>Yes</b></i>	<i><b>No</b></i>	<i><b>Compliance</b></i>
<b>Special Purpose and Overlay Districts</b>	X		
A-O (Airport Overlay) District (175')	X		N/A
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.10, the following parking standards apply:*

According to Table 19-12, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Child Care – Group Home (7-12 children)	1 per staff and 1 per 6 children		3	1	3	1	
TOTAL			4		4		Y

## **ANALYSIS**

- **Zoning**

The R-1 (Single Family Residential) zone permits a Child Care - Group Home (7-12 Children) with the approval of a Special Use Permit. There are standard conditions that apply to a Child Care - Group Home (7-12 Children) as part of the Special Use Permit.

- **Use**

A Child Care - Group Home (7-12 Children) by definition is a commercial facility in which the licensee regularly provides day or overnight care for a minimum of seven children and a maximum of 12 children for compensation. The facility is subject to the child care regulations and standards of the Department of Finance and Business Services. The proposed Child Care Center is an allowed use with the approval of this Special Use Permit.

- **Conditions**

There are base conditions for approval of a Special Use Permit for a Child Care - Group Home (7-12 Children) use as per Title 19.04.

1. The minimum lot size shall be 6,500 square feet.
2. The site shall be designed so that all loading and unloading of passengers occurs on-site.
3. In order for this use to be conducted on a parcel developed with multi-family housing, the child care must be provided within a separate structure.
4. The use shall be subject to the child care regulations and standards of the Department of Finance and Business Services.
5. Access to the facility shall be by means of a right-of-way with a width of 60 feet or less.
6. The use of outdoor play areas shall be limited to the hours between 6:00 A.M. and 10:00 P.M.
7. All lighting shall be designed so it does not shine directly onto any abutting residential property.

## **FINDINGS**

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

Although the subject property is surrounded by single family homes, the proposed use will not have an adverse affect on those surrounding properties and can be harmonious with the surrounding land uses and any future land uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject parcel is 6,603 square feet and meets the required 6,500 lot size. The lot and existing building will provide sufficient play areas and building facility to accommodate students and staff.

An area of concern is an appropriate loading and unloading zone. Four parking spaces are shown on the submitted site plan, one being a van accessible handicap space. The parking has been designed to allow parked cars to turn around to enter Alta Drive, rather than backing out. This design leaves little room for a safe loading and unloading area, as there will be conflict in the parking area when cars are parked. It will be difficult to drop students off safely behind parked cars and room will not be available for cars to turn around to re-enter Alta Drive, thus, will have to back out onto the 80-foot wide street. Staff finds the site lacking in an appropriate loading and unloading zone and is unable to support this request.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Alta Drive is a Secondary Collector (80-foot) per the City’s Master Planned Streets and Highways that will provide the primary access to the site. Although adequate in size to accommodate traffic entering and leaving the site, it is too busy a street for the location of a child care facility.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

A requirement for this use is that it be located on a right-of-way with a width of 60-feet or less. The proposed Child Care use is unsafe at this location on Alta Drive as it is an 80-foot wide right-of-way. Alta Drive is a busy east west street with a daily high traffic count and unsuitable street for the location of a Child Care use.

**5. The use meets all of the applicable conditions per Title 19.04.**

The use meets all but one of the seven requirements for a Child Care – Group Home (7-12 Children). Condition number five requires access to the facility shall be by means of a right-of-way with a width of 60 feet or less. The proposed use is located on Alta Drive, an 80-foot right of way, thus, staff recommends denial of the request.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 16

**ASSEMBLY DISTRICT** 3

**SENATE DISTRICT** 3

**NOTICES MAILED** 376 by City Clerk

**APPROVALS** 2

**PROTESTS** 4